



# CALIFORNIA SCHOOLS



NOVEMBER

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# CALIFORNIA SCHOOLS

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Superintendent of Public Instruction

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## PUBLICATIONS OF THE EDUCATIONAL POLICIES COMMISSION

Three new publications on postwar planning for education are available from the Educational Policies Commission.

One of these publications, *A Program for the Education of Returning Veterans*, is a recommendation to schools on fulfilling their responsibilities for the education of returning soldiers under the provisions of the GI Bill of Rights.

Another is the reproduction of a series of forty cartoons based on the Commission's earlier publication *Education and the People's Peace*.

The third publication, *Education for All American Youth*, contains a discussion of educational changes to be expected at all levels of the public school system and so merits more explicit attention. This document on *Education For All American Youth* consists of six chapters which predict the consequences of courses of action or inaction as they may be pursued by local school systems. Two systems of postwar education are considered as likely alternatives.

1. A federalized system of secondary education may be created at first to compete with and ultimately to replace the traditional American system of state and local control of education.
2. A wisely planned and vigorously implemented program for the improvement, adaptation, and extension of educational services to youth may be developed by the local and state educational authorities.

The Commission "strongly and unanimously favors the second and rejects the first."

Chapter I is in part a "history" constituting an account of what might happen were the federalized system created. Chapter VI is an account of what can happen if a vigorous local system is established.

Chapter II describes *all* American youth, the eleven million between the ages of 16 and 25, with whom the book is concerned. Sketches of individual cases, showing the infinite variety of human beings who reflect a varied national environment, are first offered to show the scope of the problem in achieving an educational milieu suitable for all these. Then in response to the question of whether an educational program is possible for such divergent groups there is a brief but impressive statement of what young people named Dumbrowski, Oleson, Cabot, Chin, Valdez, and MacGregor share in common in the American civilization and what aims education should have for their common needs.

Chapters III, IV, and V are a contribution to educational planning. They are written from the point of view of an observer who reports conditions five years after the war. Two of these chapters describe how the local community of Farmville, a rural area built around a country village, and American City, an industrial city of 150,000, attempt to educate their youth. The third chapter describes the school system in the whole state of Columbia. This village, city, and state are not regarded as typical, but there are similar communities and states in which the educational principles set forth might be applied. In a preview of these three chapters the authors have this to say:

In a word, *these descriptions are not blueprints; they are samples.* Let no one suppose that they are intended to be instructions or models handed down from "national headquarters." They are offered, rather, in the hope that they may stimulate and aid the planning and action which are already under way in many states and communities, and which must soon be undertaken by all.

These chapters contain some assumptions as to what may happen outside the schools during the first few years after the war, particularly in the fields of agriculture, industry, labor, government, and international relations. The Commission has endeavored to assume those changes which are not only possible but probable, in the judgment of authorities in these fields. When, as is sometimes the case, the authorities do not agree among themselves, the Commission has had to choose one of several possible assumptions.

The point of view from which these three chapters are written may be summed up in a few sentences. Schools should be dedicated to the proposition that every youth in these United States—regardless of sex, economic status, geographic location, or race—should experience a broad and balanced education which will (1) equip him to enter an occupation suited to his abilities and offering reasonable opportunity for personal growth and social usefulness; (2) prepare him to assume the full responsibilities of American citizenship; (3) give him a fair chance to exercise his right to the pursuit of happiness; (4) stimulate intellectual curiosity, engender satisfaction in intellectual achievement, and cultivate the ability to think rationally; and (5) help him to develop an appreciation of the ethical values which should undergird all life in a democratic society. It is the duty of a democratic society to provide opportunities for such education through its schools. It is the obligation of every youth, as a citizen, to make full use of these opportunities. It is the responsibility of parents to give encouragement and support to both youth and schools.

These plans for schools of the future contain many departures from common practices in schools. But the Commission has included only those additions and changes which, in its judgment, are feasible from a financial point of view and practicable from an educational point of view. These are not the schools of Utopia, to be achieved in some remote, indefinite future. *These are schools of the United States of America, as they can be in the fifth decade of the twentieth century.*

## DEPARTMENTAL COMMUNICATIONS=====

### OFFICE OF THE SUPERINTENDENT OF PUBLIC INSTRUCTION

WALTER F. DEXTER, Superintendent

#### APPOINTMENT OF DEPUTY SUPERINTENDENT OF PUBLIC INSTRUCTION

Appointment of George E. Hogan as Deputy Superintendent of Public Instruction was made as of August 1. Mr. Hogan was serving as credentials technician for the California State Department of Education at the time of his appointment. He resigned from the office of County Superintendent of Schools of Humboldt County to enter the Department. He is a graduate of Humboldt State College, has done graduate work at the College of the Pacific, and had had extensive experience as a teacher before becoming a school administrator.

#### APPOINTMENTS IN VOCATIONAL EDUCATION

Julian A. McPhee, President of the California Polytechnic School, and Chief of the Bureau of Agricultural Education, has been appointed Director of Vocational Education, a newly created position. Mr. McPhee has been with the State Department of Education since August, 1925. He will continue to serve as President of the Polytechnic School.

Byron J. McMahon, Co-ordinator for the Bureau of Agricultural Education, has been appointed Chief.

H. B. McDaniel, who has been with the Department since 1943 as Special Supervisor of Occupational Information and Guidance, has been changed from the status of special supervisor to that of Chief of the Bureau.

#### APPOINTMENT OF CONSULTANT IN EDUCATION OF THE HARD OF HEARING

Miss Corinne Howe was appointed to the position of Consultant in Education of the Hard of Hearing as of September 18.

Miss Howe comes to the State Department of Education from Bakersfield where for three years she worked from the office of the county superintendent of schools as a traveling teacher in speech correction and lip reading. She is a graduate of San Jose State College and spent some time in further professional study at the University of California. She is affiliated with the Kern County Society for the Hard of Hearing, American Society for the Hard of Hearing.

# INTERPRETATIONS OF SCHOOL LAW

ALFRED E. LENTZ, Administrative Adviser

[The following items are merely digests, and although care is taken to state accurately the purport of the decisions and opinions reported, the items have the limitations inherent in all digests. The reader is therefore urged to examine the complete text of a decision or opinion and, when necessary, secure competent legal advice before taking any action based thereon.]

## ATTORNEY GENERAL'S OPINIONS

### Lapsing of Elementary School District

Under Education Code Section 2593, when a suspended elementary school district has not been reestablished within two years and the county superintendent of schools having jurisdiction recommends that such district be lapsed, it is the duty of the county board of supervisors having jurisdiction to lapse the district. (AGO NS5593, July 26, 1944.)

### Veterans Education Through Public School System

Under Chapters 59 and 60, Statutes Fourth Extra Session, Fifty-fifth Legislature, adding Education Code Sections 9201-9206, 20405, and 20344.1 (providing for the participation of the public school system in the veterans education program provided for by Public Laws 16 and 346 of the Seventy-eighth Congress), it is not contemplated or authorized that agreements for the education of veterans shall be made directly by the various schools and colleges of the public school system with the Veterans Administration or any other federal agency, the State Department of Education being given that authority and, in addition, the authority to enter into agreements with school districts for the education of veterans in accordance with the agreement between the Department of Education and the federal agency.

The public schools of California, including state colleges and junior colleges, are required to accept any person residing in the State provided such person is otherwise eligible. Such schools may accept, as a result of agreements entered into pursuant to said Chapter 59, tuition or fees in accordance with such agreements regardless of the existence or amount of any regularly established tuition or fees.

The State Department of Education in its agreements with the Veterans Administration must include therein a provision for the maximum payment permitted under the acts of Congress. Any agreement between the State Department of Education and a local school board must contain similar provisions, but upon the execution of such an

agreement, the school board would be obligated to educate veterans in accordance with its terms which might require the introduction of new courses or facilities. The matter of fees covered by the agreement would be binding upon the district. (AGO NS5634, September 13, 1944.)

#### **Payments of Costs of School Cafeterias**

Under Education Code Sections 19301-19311, the food served at a school cafeteria must be sold only at such price as will pay the cost of maintenance of the cafeteria, exclusive of the cost of general supervision, housing, and equipment; and if a surplus in a cafeteria fund accumulates, the price of food should be so fixed as to reduce the surplus to a nominal balance.

The stoves, refrigerators, mixers, silverware and dishes first purchased for a cafeteria are equipment. The replacement of such items by equal items is maintenance but when a stove is replaced by a larger one, the cost should be appropriately allocated between maintenance and equipment. (AGO NS5560, August 22, 1944.)

#### **Status of Superintendent of Unified School District Not Having City Board of Education**

The governing board of a unified school district having an average daily attendance of 1500 or more and including within it no city except one of the sixth class is not made a city board of education by Education Code Section 4629 for which reason the superintendent of schools of such a district is a district, and not a city, superintendent of schools. The superintendent of schools of the district may therefore, under Education Code Section 1303, be elected for a term of four years or any lesser term and is not required to be elected for four years. (AGO NS5576, August 10, 1944.)

#### **Authority of California Polytechnic School to Sell or Give Oil and Drug Seed and Plants to Growers**

The California Polytechnic School may, under Chapter 1064, Statutes 1943, purchase seeds and plants of drug and oil plants and resell at cost, or distribute free, the same to growers (citing AGO NS 3070, NS3220 and NS4992). (AGO NS5502, August 24, 1944.)

#### **Authority of Legislature With Respect to State Teachers Retirement System**

The moneys accumulated in the Permanent Fund of the California State Teachers Retirement System under Education Code Section 14365 and its predecessor provision are not expendable for any purpose and



the state is not required to appropriate the funds to provide the moneys required to be accumulated (citing Education Code Section 14361).

The State of California has an obligation to pay benefits to persons retired under the State Teachers Retirement Act. As to members of the California State Teachers Retirement System not retired, the law is subject to modification or repeal.

The contribution of members of the System may be increased by law without a proportional increase in benefits being granted.

Teachers already employed may be required to become members of the System.

The State may make greater per capita contributions to the System on account of teachers not members of local retirement systems than on account of those who are members of such systems (citing AGO NS4224).

The benefits to persons already retired under the System may be increased by law and any increase may be made applicable only to those who did not retire under a local retirement system.

The Teachers Retirement Act adopted in 1913 and as thereafter amended did not constitute a contractual relationship between the State and the teachers affected by the Act. (AGO NS5476, June 2, 1944.)

NOTE: The foregoing digest of Opinion NS5476 is included principally for historical reasons. The opinion was rendered prior to the enactment of the present State Teachers Retirement Law by Chapter 13, Statutes Fourth Extra Session, 55th Legislature for the purpose of advising on certain questions which had arisen while the present law was being drafted.

### **Sale and Purchase of School District Real Property**

The governing board of a union high school district may not sell or lease any real property of the district to an elementary school district except pursuant to Education Code Sections 18601-18615. Such sections do not permit the governing board of the union high school district to sell real property to an elementary school district under a plan calling for annual payments by the elementary school district to apply on the purchase price until paid even though it might be permissible for the elementary school district to arrange for the purchase of the property on such terms without violating Section 18 of Article XI of the Constitution (citing AGO 10189).

However, such property may be leased to the elementary school district on a year to year basis provided the provisions of Education Code Sections 18601-18615 are followed. (AGO NS5594, August 23, 1944.)

### **Authority of College of Chiropractic to Grant Degrees**

A college of chiropractic which was incorporated in 1924 with the authority to grant degrees in chiropractic under the predecessors of



Education Code Sections 24201-24215 but which has not filed with the Secretary of State evidence showing the financial worth of the corporation to be at least \$50,000 is not, by reason of Education Code Sections 24201-24215, authorized to grant degrees in chiropractic nor is it an "incorporated chiropractic school or college" within the meaning of Section 3 of Deering Act 4811 (the Chiropractic Initiative Act) unless since January 1, 1939, the college has continuously offered regular resident courses in chiropractic or drugless practice and regularly conducted classes therein. (AGO NS5608, August 22, 1944.)

#### **Maintenance of Nursery Schools by School Districts**

The sole authority of the governing board of a school district to provide facilities or furnish care for children under kindergarten age is found in Education Code Sections 19601-19616, relating to child-care centers. Aside from said sections there is no authority for the maintenance of nursery schools by a district, and the fact that the charter of a city may authorize the board of education of the city to establish and maintain "day nurseries" is immaterial since municipal charters must give way in such matters to the general law.

It may be that the governing board of a district has authority to establish and maintain nursery schools when necessary for the giving of instruction in a "Home Economics Laboratory Course." (AGO NS5452, July 27, 1944.)

#### **Disposition of Receipts of Elementary School District High School Tuition Tax**

The receipts of taxes levied on an elementary school district not in any high school district or unified school district under Education Code Sections 8727-8731 for the payment of tuition of high school pupils residing in the elementary school district and attending high school in a district in this State must be credited to the district attended by the pupils by the county auditor who must certify to the county treasurer and the county superintendent of schools the amount so credited.

If the receipts of the tax so credited exceed the amount due the high school district or unified school district as tuition, the excess should be credited to the reserve of such district under Education Code Section 6361. (AGO NS5470, August 2, 1944.)

## FOR YOUR INFORMATION\_\_\_\_\_

### STATE BOARD OF EDUCATION ACTIONS

The following actions were taken by the State Board of Education at a special meeting held in Sacramento on August 17, 1944, and at the regular quarterly meeting at San Luis Obispo on October 10 and 11, 1944.

#### MEETING OF AUGUST 17

*Approved of Educational Organizations.* The Board approved, under authority of Education Code Section 4861, the following organizations as organizations for which membership may be paid from school district funds during the school year 1944-45:

Association of California Secondary School Principals, Harold B. Brooks, President, 1450 Cedar Avenue, Long Beach, California.

National Council on Teacher Retirement of the National Education Association, Jennie Roch, Secretary, 1201 Sixteenth Street, N. W., Washington, D. C.

*Division of Readjustment Education.* On recommendation of Superintendent of Public Instruction, the Board established a Division of Readjustment Education within the State Department of Education to administer the functions assigned to the Department by Chapter 59 of the Statutes of the Fourth Extra Session of the Fifty-fifth Legislature pertaining to the education of veterans in the public school system of California under applicable acts of Congress.

*Approved of Four-year Junior College at Stockton.* The Board approved a request of the Stockton City Unified School District to establish one or more four-year junior colleges.

*Revocation of Credentials.* The Board revoked all credentials authorizing service in the public schools heretofore issued to Don Albert Lima for immoral and unprofessional conduct and evident unfitness for service, under authority of Education Code Section 12753.

#### MEETING OF OCTOBER 10 AND 11

*Adoption of Civics Textbook.* The Board adopted the civics textbook, *You and Your Government*, by Homer Ferris Aker and Vanza Nielsen Aker, published by the Harr Wagner Publishing Company, for use in the public elementary schools of California in either grade seven or grade eight, according to local course of study requirements, for a period of not less than six years nor more than eight years beginning July 1, 1945.

*Entrance Requirements to State Colleges.* The Board amended Section XB of its regulations governing state colleges to read as follows:

**B. Non-High School Graduates**

*Veterans honorably discharged following completion of a minimum of three full months of service in the armed forces during the emergency created by World War II, and applicants over 21 years of age, who are not high school graduates and who do not possess equivalent preparation but whose score on a standard college aptitude test indicates ability to do satisfactory college work in the chosen curriculum may be granted provisional admission as special students but such persons may be granted full matriculation only upon the removal of all deficiencies and upon the completion of one full semester's or quarter's satisfactory college work in the chosen curriculum.*

*Approval of Educational Organization.* The Board approved, under authority of Education Code Section 4861, the following organization as an organization for which membership may be paid from school district funds during the school year 1944-45:

Northern California Junior College Association, Kathleen Larsen Seagraves, Secretary, Stockton Junior College.

*Revocation of Credentials.* The Board revoked all credentials authorizing service in the public schools heretofore issued to the following persons, for reasons as indicated: Eurcel V. Bassi, at his own request, in accordance with Education Code Section 12754; Oliver Christianson, for immoral and unprofessional conduct and evident unfitness for service, in accordance with Education Code Section 12753.

*Regulations Relating to Accreditation of Teacher Education Institutions.* The Board adopted a set of regulations relating to the "Accreditation of Teacher Education Institutions for Teacher Certification Purposes". Copies of the regulations may be secured upon request from the Division of Credentials of the State Department of Education.

*Determination of Validity of Legislative Action Abolishing Santa Barbara State College and Assigning Properties to University of California.* The Board passed the following resolution:

That Mr. Lentz, Administrative Adviser, be instructed to request the Attorney General to bring on behalf of the Board, an action in such form, against such parties and before such court as he may deem proper to determine the validity of the legislative act under which the University of California is purporting to assume jurisdiction over Santa Barbara State College and the property thereof, and that if the Attorney General refuses to bring such action that the Administrative Adviser bring such action upon securing permission of the Attorney General.

*Appointments to State Curriculum Commission.* The Board approved the following appointments and reappointments by Superintendent of Public Instruction, Walter F. Dexter, to the State Curriculum Commission:

C. C. Trillingham, County Superintendent of Schools of Los Angeles County, to fill the unexpired term ending August 29, 1946, of W. K. Cobb, formerly County Superin-

tendent of Schools of Ventura County, now District Superintendent of Schools, Tulare University High School District, who resigned from the Commission on assuming his new position.

Ray B. Dean, Principal, David Lubin Elementary School, Sacramento, to fill the unexpired term, ending August 29, 1945, of Everett Calvert, formerly Principal, George Washington Elementary School, Pasadena, now in the armed services, who resigned following assignment outside of California.

A. H. Horrall, City Superintendent of Schools, San Mateo, reappointed for four-year term ending August 29, 1948.

Peter Spencer, Professor of Education, Claremont College, reappointed for four-year term ending August 29, 1948.

## RECOMMENDATIONS ON "KEEPING FIT" FOR SCHOOLS AND COLLEGES

Recommendations to be followed in schools and colleges of America to assure sound health and physical fitness have just been released by the joint committee of the American Medical Association and the National Committee on physical fitness.

The following recommendations are proposed to help schools and colleges to define more clearly their responsibilities and to help them to attain these goals:

- I. It is recommended that the following objectives be proposed to schools as minimum requirements of their programs in health and physical education—
  1. Through physical examination of all children (a) on or before admission to school and at such regular intervals thereafter as may be deemed advisable; (b) on readmission to school following any major illness; (c) on teacher referral when the pupil's appearance, performance, or routine screening test records suggests failing health or defects. Whenever possible the parent or teacher should attend the examination of younger children.
  2. Daily teacher inspection of all pupils for signs of deviation from normal health status.
  3. Routine screening tests to discover defects of vision and hearing and failure to grow.
  4. At least annual, preferably semiannual, dental attention for every pupil.
  5. An annual inventory of the physical abilities of every pupil by teachers of physical education.
  6. Suitable follow-up work to assure (a) the correction of correctible defects and the prevention of preventable conditions, and (b) the assignment of pupils to modified activities programs where this is needed.

7. The use of a cumulative record blank designed to follow the child throughout its school life and to record (a) the results of physical examinations, screening tests, and physical fitness inventories, and (b) the dates of major illnesses, immunizations, dental visits, and corrective measures taken.
8. Organized health instruction on all school levels and planned healthful living throughout the school experience. At elementary levels this may be undertaken as a part of larger projects. At secondary levels there is need, in addition, for instruction specifically devoted to this area. This should not be as a "rainy day" substitute for or otherwise at the expense of physical education. Irrespective of title or departmental affiliation such instruction must develop accurate knowledge, appropriate attitudes, and sound habits aimed to further individual and community health. This demands at least a semester course of organized health instruction on the junior high school level and a semester or year course on the senior high school level, equivalent in length and regulations to other standard courses, to be required of all students. These courses should be taught by adequately prepared teachers and for a requirement for graduation.
9. At the elementary level at least 40 minutes daily, exclusive of recess periods devoted to planned physical education activities suited to the grade level involved.
10. At the secondary level (grades 7 to 12) a daily period of vigorous physical education. This period should be at least as long as the regulation class period, and be scheduled within the school day. Pupils should be classified in respect to sex and grade, ability or special needs. Standards should be set for passing the course in all grades, and acceptable performance required for promotion and graduation.
11. Expert supervision and direction at local and state levels as for other fields. In some instances the training of a person may qualify him to supervise both health and physical education.
12. The strengthening and extending of advisory and consultative services of the U. S. Office of Education in these areas.

Further school efforts to improve the physical fitness of youth could wisely be directed toward (1) extension of health inventory and correction of defects in the preschool years; (2) insuring sound mental health; (3) improvement of child nutrition through the provision of adequate school lunches; (4) provision of camping and other extended school services contributing to health; (5) systematic co-operation with all community health efforts such as tuberculosis case finding, venereal disease control, and maternal and child health clinics.

- II. It is recommended that teacher training institutions be urged to include in their program for training teachers, instruction and practice in the daily observation of children for the purposes of detecting signs indicating possible deviations from normal health and development.
- III. It is recommended that professional training institutions be urged to revise if necessary their programs for the training of teachers of health and physical education and of recreation leaders to give special consideration to promotion of health and physical fitness.
- IV. It is recommended that teacher training institutions be urged to give some training in the conduct of physical fitness activities to all prospective teachers.
- V. It is recommended that plans be perfected for giving special consideration to postwar planning of school facilities toward better provision for co-ordinated school and community health and physical education programs and for extended community use of school facilities.

#### STATEMENT ON ULTRAVIOLET RAY DISINFECTING LAMPS

A statement on the use of ultraviolet ray lamps to sterilize the air in schoolrooms has been issued by the Joint Committee on Health Problems in Education of the National Education Association and the American Medical Association.

It is pointed out that the Council on Physical Therapy of the American Medical Association does not accept the claims for ultraviolet ray lamps that they will prevent cross-infection in schoolrooms or disinfect solids.

The Council's acceptance of ultraviolet disinfecting lamps is limited to installations in hospital nurseries, hospital wards, and operating rooms. Ultraviolet lamps are not accepted for disinfecting air in schools, waiting rooms, public gathering places and large halls. The evidence now available does not indicate that the incidence of colds can be reduced by the installation of ultraviolet lamps and by the irradiation of an enclosure occupied by people.



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